

REMARKS

The Examiner has rejected claims 1, 2, 4, 5, 6 and 28 under 35 U.S.C. 102(b) as being anticipated by St. George et al., [U.S. Patent No. 3,643,020]. Specifically, the Examiner has stated that St. George teaches an automated kiosk comprising an inherent cabinet, a face frame releasably securable to the cabinet, a plurality of cross members on at least one of the cross members secured to the face frame, at least one of the cross members releasably securable in a plurality of configurations in relation to the face frame. The Examiner states that, in St. George the members may be unsecured and re-secured in another position along the frame. Applicant has amended claim 1. With respect, Applicant submits that in St. George, the support members are circumferentially placed about the cathode-ray tube and affixed to the cabinet but they are not adjustably affixed and are certainly not releasably securable in a plurality of configurations in relation to the face frame. St. George does not teach this anywhere in the specification or show this anywhere in the figures. Applicant submits that amended claim 1 is not anticipated. Applicant submits that claims 2, 4, 5, 6 and 28, which depend on claim 1, are also not anticipated as they contain the limitations of claim 1.

The Examiner has objected to claims 1-6, 8, 21-22 and 28 under 35 U.S.C. 102(b) as being anticipated by Kojima [U.S. Patent No. 5,363,150]. The Examiner has stated that Kojima teaches an automated kiosk comprising a cabinet, a face frame releasably securable to the cabinet, a plurality of cross members, at least one of the cross members secured to the face frame, at least one of the cross members releasably securable in a plurality of configurations in relation to the face frame and a plurality of hardware components releasably secured to the cross members. The Examiner further states that the cross members are releasably securable in a plurality of configurations since the members are interchangeable with each other. With respect, the Applicant submits that Kojima does not teach cross members releasably securable in a plurality of configurations in relation to the face frame. As such, Kojima does not anticipate amended claim 1 and claim 1 is not anticipated by Kojima. It follows that Kojima also does not anticipate claims 2-6, 8, 21, 22 and 28

- 8 -

ridout & maybe LLP

CANADA'S INTELLECTUAL PROPERTY AND TECHNOLOGY LAW FIRM

as they are all dependent on claim 1.

The Examiner has objected to claims 11-13 and 15 as being anticipated by Ramachandran et al., [U.S. Patent No. 5,483,047]. Applicant has amended claim 11 to incorporate elements of previous claims 14 and 16. Applicant submits that newly amended claim 11 is not anticipated by Ramachandran et al. It follows that claims 12, 13 and 15, which depend on claim 11, also are not anticipated.

The Examiner has objected to claims 1, 2, 4-8 and 21-22 as being anticipated by Lewis et al., [U.S. Patent No. 6,082,616]. The Examiner states that Lewis et al. teaches as automated kiosk comprising a cabinet, a face frame releasably securable to the cabinet, a plurality of cross members and an least one of the cross members releasable securable in a plurality of configurations in relation to the face frame. The Examiner points to cross member 64 as capable of being rotated 180 degrees. Applicant submits that the disclosure in Lewis et al. does not specifically state that cross member 64 can be rotated 180 degrees, and the Examiner is extrapolating from the figures and reading in elements into Lewis et al. Applicant also submits that, even if cross member 64 was capable of being rotated 180 degrees, this is only the case because it is symmetrical, thus a rotation of 180 degrees would not result in a plurality of configurations in relation to the face frame since both configurations would be equivalent. Applicant therefore submits that claim 1 is not anticipated by Lewis et al. and claims 2, 4-8 and 21-22 as dependent on claim 1 are also not anticipated by Lewis et al.

The Examiner has objected to claims 23-25, 27 and 31 under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. Specifically, the Examiner has stated that Lewis et al. teaches the Applicant's inventive claimed structure as disclosed above, including a face plate, but does not show a plurality of face plates or show various gaskets utilized for providing a seal within the face plates. The Examiner contends that accordingly, these features would be obvious. Applicant submits that, since claim 1 is not anticipated by Lewis et al. and contains an inventive element over Lewis et al.,

- 9 -

ridout & maybee LLP

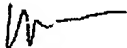
CANADA'S INTELLECTUAL PROPERTY AND TECHNOLOGY LAW FIRM

claims 23-25, 27 and 31 are also inventive over Lewis et al.

The Examiner has concluded that the Applicant's amendment necessitated the new grounds of rejection presented in this Office Action and that, accordingly, this action is made final. Applicant traverses the finality of this ground of rejection. The apparatus claims presented in response to the last Office Action were identical to the claims that existed in the application prior to that date. All that was added were method claims 32 and 33, which recited all of the elements of the existing and unchanged apparatus claims. Therefore, the amendments to the claims could not have prompted the new grounds of objection, since nothing new was added to the claims at that time. Applicant therefore submits that the grounds for objection should not result in a final Office Action and requests reconsideration of the finality of the Office Action.

It is respectfully submitted that the present response and amendment of claims is a complete response to all outstanding issues. If anything further is required, please contact the undersigned.

Yours very truly,



David J. Heller
DJH:CCB:ls

- 10 -

Ridout & Maybee LLP

CANADA'S INTELLECTUAL PROPERTY AND TECHNOLOGY LAW FIRM